

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

V.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

KARLA PEREZ, *et al.*,

Defendants-Intervenors,

and

STATE OF NEW JERSEY,

Defendant-Intervenor.

CIVIL ACTION NO. 1:18-CV-68

**UNOPPOSED MOTION OF LEGAL SERVICES ORGANIZATIONS  
FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN  
OPPOSITION TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Maureen P. Alger, Attorney-in-Charge\*  
(malger@cooley.com)  
(Cal. Bar No. 208522)  
Monique R. Sherman\*  
(msherman@cooley.com)  
(Cal. Bar No. 227494)  
Joan R. Li\*  
(jli@cooley.com)  
(Cal. Bar No. 312024)  
COOLEY LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
Telephone: (650) 843-5000  
Facsimile: (650) 849-7400

Michael J. McMahon\*  
(mmcmahon@cooley.com)  
(Mass. Bar No. 679053)  
COOLEY LLP  
500 Boylston Street, 14th Floor  
Boston, MA 02116-3736  
Telephone: (617) 937-2300  
Facsimile: (617) 937-2400

\**Pro hac vice* pending

*Counsel for Amici Curiae*

Proposed *amici curiae*, the 28 legal services organizations listed below (collectively “*amici*”), respectfully request that the Court grant them leave to file, pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7, the accompanying Brief of Legal Services Organizations as *Amici Curiae* in Opposition to Plaintiffs’ Motion for Preliminary Injunction, attached hereto as **Exhibit A**. *Amici*’s brief supports the Intervenor Defendants’ opposition to Plaintiffs’ Motion for Preliminary Injunction. Pursuant to Local Rule 7, *amici*’s counsel has conferred with counsel for the Parties, who indicated that the Parties consent to the filing of this *amicus* brief. A Proposed Order is filed herewith, attached as **Exhibit B**.

**I. IDENTITY OF PROPOSED AMICI CURIAE AND STATEMENT OF INTEREST**

Proposed *amici* are 28 legal services organizations that provide a range of legal services, education, and advocacy for their communities, in immigration and other areas (such as housing and civil rights). Proposed *amici* have a substantial interest in the Court’s resolution of this case because the issues this Court will decide have a direct impact on their work and their clients. Many of their clients are eligible for Deferred Action for Childhood Arrivals (“DACA”). Proposed *amici* provide legal counseling to these DACA-eligible individuals, and help guide them through the intricacies of the immigration system. As a result of their regular interaction with undocumented immigrants, including DACA-eligible individuals, proposed *amici* understand the complex, legal, emotional, and financial challenges they will face if this Court grants the requested preliminary injunction. Indeed, they are uniquely positioned to articulate how the substantial harm that these immigrants would face without DACA outweighs the harm claimed by Plaintiffs, and how an injunction would be detrimental to the public interest. These legal services organizations have observed first-hand the negative effects of the potential termination of DACA on the communities they serve.

Proposed *amici* include the following legal services organizations:

1. **American Gateways** serves the indigent immigrant population in central Texas by providing legal representation and advocacy, including on DACA. Its mission is to champion the dignity and human rights of the most vulnerable, including immigrants, refugees, and survivors of persecution and torture, through immigration legal services, education, and advocacy.
2. **Asian Law Alliance** is a community law office that provides individual legal assistance, community legal education, and community advocacy in the Asian Pacific Islander community and immigrant community in the County of Santa Clara, California. Asian Law Alliance helps individuals, especially those who have limited English proficiency, obtain justice in the immigration system.
3. **BakerRipley** provides services to over 500,000 clients in the Houston region per year, including free legal assistance to DACA recipients. BakerRipley's immigration services include naturalization, adjustment of status, and renewal of permanent residence cards, and immigration programs that promote the full civic integration of those seeking to navigate the immigration process.
4. **Brooklyn Defender Services (BDS)** provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, in nearly 40,000 cases in Brooklyn every year. In 2016 alone, BDS handled more than 1,500 immigration matters across a full spectrum of services, including removal defense and DACA applications.
5. **Canal Alliance** provides comprehensive immigration legal services in Marin County, California, and strives to eliminate barriers to legal integration for the low-income immigrant population. Canal Alliance provides legal consultations and educational programs to ensure its clients receive the resources and support they need while developing critical skills for long-term success.
6. **Centro Legal de la Raza** is a comprehensive legal services organization that protects and advances the rights of immigrant, low-income, and Latino communities in northern California through bilingual legal representation, education, and advocacy. Centro Legal de la Raza's immigration practice focuses on serving the needs of the most vulnerable community members, including undocumented immigrants, families, and DACA recipients.
7. **Children's Law Center of Massachusetts (CLCM)** provides legal representation to low-income children and youth throughout the Commonwealth in child welfare, education, immigration, delinquency, and mental health matters. CLCM's immigration practice focuses on serving the needs of the most vulnerable children and youth of our communities, including unaccompanied minors, children seeking asylum, and DACA recipients.
8. **Community Legal Services in East Palo Alto (CLSEPA)** provides legal services to

low-income individuals and families in East Palo Alto, California, and beyond. Its practice areas include immigration, housing, workers' rights, and records clearance. CLSEPA provides immigration services to low-income families and youth, and has focused on navigating complex petitions for DACA.

9. **Dolores Street Community Services** strives to improve individuals' lives and affect broader social change through advocacy and community organizing efforts. Dolores Street Community Services' Deportation Defense & Legal Advocacy Program specializes in deportation defense in complex cases, and provides legal services to other immigrant community members, including DACA recipients.
10. **East Bay Sanctuary Covenant** provides protection and advocacy to low-income and indigent refugees and immigrants. East Bay Sanctuary Covenant provides immigrants and refugees with a variety of legal services and representation, including DACA requests, and also provides educational programs to educate and assist clients to advocate for their own rights.
11. **Equal Justice Center (EJC)** provides legal services to low-income working people in immigration and employment matters throughout Texas. Since 2012 and continuing through the present, EJC has provided legal assistance to well over a thousand DACA requestors and recipients across the state.
12. **Hebrew Immigrant Aid Society (HIAS) Pennsylvania** provides services to more than 2,500 persons per year and have served immigrants and refugees for 135 years. HIAS Pennsylvania's legal services program serves immigrant youth through its immigrant youth advocacy initiative, its immigrant victims of domestic violence initiative, and its Latino Outreach Immigration Services initiative. Through these initiatives, HIAS has assisted DACA-eligible youth in applying for DACA when no other remedies were available.
13. **Immigrant Legal Center** specializes in immigration law and provides extensive immigration legal services, including assistance with DACA, across Nebraska and Southwest Iowa. The Immigrant Legal Center's mission is to welcome immigrants into the community by providing legal services, education, and advocacy.
14. **Immigrant Legal Resource Center (ILRC)** is a national nonprofit resource center that provides immigration legal trainings, technical assistance, and educational materials. ILRC attorneys conduct trainings and provide technical support to immigration practitioners assisting individuals in the DACA request process, and advocate at the federal level for a broadly inclusive DACA program.
15. **Just Neighbors** provides immigration legal services, including assistance with DACA requests, to low-income immigrants and refugees in northern Virginia, especially to those who are most vulnerable. Just Neighbors partners with other nonprofit organizations, community volunteers, and pro bono attorneys to empower their clients and educate the community about current immigration laws and policies.

16. **Justice Center of Southeast Massachusetts** provides legal services to low-income individuals throughout southeastern Massachusetts. The Justice Center provides services across a broad range of legal issues including housing, education, family law, benefits, and immigration. The immigration unit works with low-income immigrants, including those facing deportation, on a variety of requests for relief including DACA.
17. **Legal Aid Justice Center (LAJC)** provides legal advice, referrals, and direct legal representation to thousands of low-income individuals in Virginia. Since 2012, LAJC has helped over 300 immigrant youth obtain or renew DACA. LAJC also brought a lawsuit that ultimately led to the Commonwealth of Virginia recognizing in-state tuition status for DACA recipients, and helped dozens of DACA students with related problems such as access to education and in-state tuition, drivers' licenses, employment issues, and access to housing and credit.
18. **Legal Aid Society of San Mateo County (LASSMC)** provides legal services to San Mateo County, California residents in areas including housing, health, public benefits, education, domestic violence, and immigration. Through the Linking Immigrants to Benefits, Resources & Education (LIBRE) project, LASSMC collaborates with community partners to educate the immigrant community about safety net services and immigration opportunities. LASSMC helps teen parent families, youth, and other low-income immigrants apply for DACA and other forms of immigration relief.
19. **Legal Services for Children (LSC)** provides free legal representation and assistance to children and youth in northern California, working to empower clients and actively involve them in critical decisions that impact their lives. LSC represents youth, including DACA recipients, in immigration cases.
20. **Massachusetts Law Reform Institute (MLRI)** advances economic, racial, and social justice through legal action, policy advocacy, coalition building, and community outreach. MLRI's legal initiatives include litigation and administrative advocacy to ensure access to in-state tuition, state merit scholarships, and state financial aid for college-bound DACA recipients as well as training and technical assistance for legal services lawyers who represent DACA recipients.
21. **National Justice for Our Neighbors** provides free or low-cost immigration legal services for low-income immigrants. National Justice for Our Neighbors supports seventeen Justice for Our Neighbors sites across the country and operates more than 40 clinics nationally. Attorneys assist clients with deportation defense and applications and requests for asylum, DACA, family-based visas, Special Immigrant Juvenile Status, and U visas.
22. **New York Legal Assistance Group (NYLAG)** provides legal assistance to New York City's poor and near poor in the areas of government benefits, family law, immigration, disability rights, housing law, special education, and consumer debt, among others. NYLAG's Immigrant Protection Unit (IPU) provides individuals in New York's low-income immigrant communities, including DACA recipients, with assistance securing or continuing lawful status in the United States.

23. **Northwest Immigrant Rights Project** (NWIRP) advocates for immigrants in Washington State through direct legal services, systemic advocacy, and community education. Northwest Immigrant Rights Project provides legal representation in areas such as asylum, DACA, family-based petitions, U visas for survivors of domestic violence and other crimes, naturalization, Special Immigrant Juvenile Status, and deportation defense.
24. **OneJustice** serves as an innovation lab on legal services and works with law schools and students, the private legal sector, and legal service nonprofits to provide legal assistance to those in need. OneJustice programs include pro bono projects to bring immigration legal services to immigrants, including DACA-eligible youth, living in rural communities.
25. **Refugee and Immigrant Center for Education and Legal Services** (RAICES) provides free and low-cost legal services to underserved immigrant children, families, and refugees in Texas. RAICES staff provides consultations, direct legal services, and advocacy to immigrants throughout Texas, including DACA-eligible individuals.
26. **Rocky Mountain Immigrant Advocacy Network** (RMIAN) works to ensure equal access to justice for adults in immigration detention and for immigrant children in Colorado and the Mountain West region. Its DACA Project provides outreach about DACA and quality legal representation to DACA-eligible youth.
27. **Services, Immigrant Rights, and Education Network** (SIREN) empowers low-income immigrants and refugees in Silicon Valley through legal services, policy advocacy, community education, and community organizing. Through its Immigration Legal Services Program (ILSP), SIREN provides consultations and application assistance in a wide range of immigration areas, including DACA renewals, family-based petitions, removal defense, and U visas.
28. **Voto Latino** is a nonprofit organization that, with the support of its pro bono legal counsel, provides DACA recipients and people at risk of deportation with pro bono legal counsel. Voto Latino's initiatives utilize social media and innovative messaging to reach people in need who may not be aware of existing pro bono legal resources.

## II. LEGAL STANDARD

District courts have broad discretion to permit third parties to participate in an action as *amici curiae*. See *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007), *aff'd sub nom. U.S. ex rel. Gudur v. Deloitte & Touche*, 2008 WL 3244000 (5th Cir. Aug. 7, 2008) (internal citations omitted). Factors relevant to this inquiry include whether the information is “timely and useful” or otherwise “necessary to the administration of justice.” *Id.*

(internal citations omitted). As explained herein, the 28 legal services organizations filing this motion offer a unique, timely, and useful perspective on the issues before the Court.

**III. *AMICI'S* BRIEF IS TIMELY AND USEFUL TO THE DISPOSITION OF THE ISSUES BEFORE THE COURT.**

Proposed *amici's* brief is timely and useful because it will assist the Court by providing important, relevant information about the substantial harm that the requested preliminary injunction would cause *amici's* clients. Proposed *amici* have specialized knowledge of and experience with the complexities of the immigration system—a system that provides no other viable option for most of these young immigrants to remain in the only country they have ever known as home. Because most DACA grantees are not eligible for immigration relief under humanitarian, family-based, or employment channels, they are at risk of losing their jobs, health insurance, and education, and the ability to live a life free of fear and anxiety about deportation.

The brief of proposed *amici* also speaks to the adverse effects the requested preliminary injunction would have on the public interest. A preliminary injunction only further intensifies the fear that is already rife in the immigrant community due to the enforcement policies and tactics pursued by the current administration. Immigrants fearing deportation are afraid to go to school, access essential and life-saving services such as medical care for themselves and their families, including their U.S. citizen children, and report crime. This fear endangers the public interest, health, and safety. The proposed *amici* legal services organizations counsel, advocate, and have regular contact with the immigrant community, and are well-positioned to provide a unique perspective to this Court on the pervasive nature of the adverse effects the preliminary injunction would have on the public interest.

#### IV. CONCLUSION

Proposed *amici* have a concrete interest in the outcome of this case. Their brief presents the valuable perspective of legal services organizations that counsel and guide DACA recipients and the immigrant community affected by the requested injunction of DACA. Their knowledge and perspective is both timely and useful to the disposition of the issues before the Court. For these reasons, proposed *amici* respectfully request that the Court grant their Unopposed Motion for Leave to File Brief as *Amici Curiae* in Opposition to Plaintiffs' Motion for Preliminary Injunction.

July 20, 2018

Respectfully submitted,

/s/ Maureen Alger

Maureen P. Alger, Attorney-in-Charge\*  
(Cal. Bar No. 208522)

Monique R. Sherman\* (Cal Bar No. 227494)  
Joan R. Li\* (Cal. Bar No. 312024)  
COOLEY LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
Telephone: (650) 843-5000  
Facsimile: (650) 849-7400

Michael J. McMahon\* (Mass. Bar No. 679053)  
COOLEY LLP  
500 Boylston Street, 14th Floor  
Boston, MA 02116-3736  
Telephone: (617) 937-2300  
Facsimile: (617) 937-2400

*\*Pro hac vice pending*

*Counsel for Amici Curiae*



**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2018, I electronically filed the foregoing Unopposed Motion of Legal Services Organizations for Leave to File Brief as *Amici Curiae* in Opposition to Plaintiffs' Motion for Preliminary Injunction with the Clerk of the Court using the CM/ECF system, which I understand to have served the parties' counsel who are registered as CM/ECF users.

By: /s/ Maureen Alger  
Maureen Alger